

# Development Review Staff Report, Decision, and Conditions of Approval Case File DEV REV 2022-02

**Date:** April 20, 2022

**Case File:** DEV REV 2022-01 IHI

**Project Contact:** Trish Nixon Julie Garver  
LRS Architects Innovative Housing, Inc.

**Property Owner:** City of Lincoln City  
Attn: City Manager  
PO Box 50  
Lincoln City, OR 97367

**Situs Address:** 2510 NE Hwy 101, unaddressed, unaddressed

**Location:** Northeast corner of NE 25<sup>th</sup> St/Hwy 101 intersection

**Tax Map and Lot:** 07-11-11-BB-04301-00  
07-11-11-BB-04302-00  
07-11-11-BB-04300-00

**Comprehensive Plan Designation:** General-Commercial District (G-C) and High-Density Residential District (R-M)

**Zoning District:** General Commercial (GC) Zone and Multiple-Unit Residential (R-M) Zone

**Site Size:** 4.38 acres

**Proposal:** 107-unit affordable apartment complex with associated parking and utilities

**Surrounding Land Uses and Zones:** North: Undeveloped and houses; R-M  
South: Open space; OS  
East: Road, offices, multi-unit residential; PC, R-M  
West: Open Space; OS

**Authority:** Section 17.76.040.A of the Lincoln City Municipal Code (LCMC) gives the Planning and Community Development Director the authority to review an application for development review for compliance with all requirements of LCMC Title 17, and approve with conditions or disapprove the application.

**Procedure:** The application was received on February 25, 2022. The application was deemed complete on February 28, 2022. On March 3, 2022, pursuant to LCMC 17.76.040.E, city staff mailed a notice of receipt of application to property owners within 250 feet of the subject property.



<b>Applicable</b>	LCMC Chapter 17.20 Multiple-Unit Residential (R-M) Zone
<b>Substantive</b>	LCMC Chapter 17.32 General Commercial (GC) Zone
<b>Criteria:</b>	LCMC Chapter 17.52 Supplementary Regulations and Exceptions
	LCMC Chapter 17.55 Landscaping Standards
	LCMC Chapter 17.56 Off-Street Parking and Loading
	LCMC Chapter 17.74 Design Standards
	LCMC Chapter 17.76 Procedures
	LCMC Chapter 17.77 Applications

## **BACKGROUND**

The subject property (site) comprises three separate undeveloped tax lots identified as follows:

- 07-11-11-BB-04301-00, addressed as 2510 E Hwy 101, GC
- 07-11-11-BB-04302-00, unaddressed, R-M
- 07-11-11-BB-04300-00, unaddressed, R-M

The application states the site contains 4.38 acres, which equates to 190,792.8 square feet. The site is bordered by Hwy 101 as its west boundary. The south boundary of the site is bordered by NE 25<sup>th</sup> St for the westernmost 100 feet of the south boundary line. The remaining portion of the south boundary line does not border any public right-of-way, and neither the east or north boundaries border any public right-of-way. To the east of the site is undeveloped park land owned by Lincoln City. Uses to the north of the site are a housing development to the northeast and an office building to the northwest. In the middle of the site to the north is the undeveloped portion of the property that contains Captain Cook's Inn.

The site does not contain any flood hazard area, floodway, natural resource overlay zone, or bluff erosion hazard zones.

The project proposes developing the site into an affordable housing residential development containing 107 apartment units in seven buildings. The project also proposes construction of a community building, which will serve as common space for use by the residents, a community laundry room, and the property management and residential services offices.

Access to the development will be directly from Hwy 101. Parking areas are distributed throughout the site. The required street frontage improvements will take place as part of the project, as well as the necessary improvements to water and sewer services to provide domestic water and sanitary sewer to the site as required by city standards.

## **COMMENTS**

Comments were received from Sheryl Faught via email on March 16, 2022. The email reads as follows: "From what I see the apartments being built show they will be right against our property. Are they going to build a fence dividing our properties so there will not be nay issues w/disburbing [sic] our guests, loitering, trespassing [sic]." Staff notes that fencing is not a criterion for approval of a development review application.

Comments were received from Tom Ware via email on March 15, 2022. The comments express concerns with storm water and provide suggested options for addressing the perceived storm water issues. Staff notes that the project must meet Lincoln City Public Works Design Standards (LCPWDS), which include compliance with storm water drainage requirements, and building permits cannot be issued without plans showing compliance with LCPWDS.

**ANALYSIS***Chapter 17.20 Multiple-Unit Residential (R-M) Zone**17.20.020 Permitted uses*

**Finding:** Multi-unit dwellings are listed as a permitted use (17.20.020.H). The application proposes construction of a 107-multi-unit residential development. Staff notes that the westernmost tax lot is in the GC zone, which lists multi-unit residential development as a conditional use. However, staff further notes that Oregon passed legislation in 2021 (Senate Bill 8) that states that “a local government shall allow affordable housing on property and may not require a zone change or conditional use permit for affordable housing on property if the housing” is owned by a public body, a nonprofit religious corporation, or the property is zoned for commercial uses, among other things. Accordingly, the proposed affordable housing multi-unit residential development is an allowed use on the entire site.

*17.20.050 Development standards*

		<b>Required</b>	<b>Provided</b>
	Min. lot width	25 feet	Approximately 290 feet
	Min. lot area (square feet)	2,500	4.38 acres which equates to 190,792.8 square feet
	Min. density	15 dwelling units per net acre = $4.38 \times 15 = 65.7$ or 66	107
	Max. building height		
a.	Primary buildings	40 feet	See comments below
b.	Accessory buildings, structures, uses	25 feet	See comments below
	Min. building setbacks		
a.	Front porch	0 feet	Not applicable
b.	Front wall	0 feet	Not applicable
c.	Side interior	5 feet (north and south property lines)	North side – more than 10 feet South side – more than 10 feet
d.	Side street	0 feet	Not applicable
e.	Rear	15 feet (east property line)	Exceeds 15 feet
	Min. setbacks for garage/carport entrances	Varies	No garages/carports provided
	Max. building coverage	$65\% = 190,792.8 \times .65 = 124,015.32$ square feet	35,115 square feet or 18.2%

	Required	Provided
Common area	250 square feet/unit = 250 x 107 units = 26,750 square feet	
Vehicle storage space	None required	None provided, none required

**Finding:** The site meets the minimum lot width and lot size requirements for the proposed development as shown on the submitted site plan.

The minimum density requirement of 66 units is being met and exceeded with the proposed 107 units.

The submitted elevations do not show or label the approved grade line from which the height measurements have taken place, nor do they show the height measurement at the center of every elevation for building or identify which buildings are primary and which are accessory. It is, therefore, impossible for staff to determine if this requirement is met with the current submittal. As a condition of approval, elevations shall be submitted for the front, rear, left, and right elevation of every proposed building, with a label of the use of that building, showing the approved grade line and the distance in the center of each elevation from the grade line to the highest point of the roof such that the buildings are within the maximum allowed height.

Sheet A001 of the submitted plan set shows that the minimum setback requirements are not only being met, but are being exceeded, with all proposed buildings being set back more than 15 feet from the rear (east) boundary line and more than 5 feet from the side (north and south) boundary lines. However, staff notes that Sheet A001 labels the north and side property lines as having a zero side setback. This labeling is inaccurate, since there is a minimum 5-foot side setback requirement. As a condition of approval, Sheet A001 shall be revised to correctly label the minimum side setback requirement and show the side setback line. There is not a minimum front (west property line) or street side (a small portion of the south property line at the west end along the NE 25<sup>th</sup> St right-of-way) setback requirement, and the project is not proposing any garages or carports.

The maximum building coverage allowance for the site is 124,015.32 square feet, and the project only proposes 35,115 square feet of building coverage as noted on Sheet G000 of the submitted plan set.

It is not clear from the submitted plan set which portions of the site are designated as the required 26,750 square feet of common area, nor is it clear if any portions of the common areas are within the rear or side setback areas. Sheet L3.01 notes that 30,879 square feet of the site is landscaped area, but doesn't specify what portion of that area is common area. As a condition of approval, revised plans will need to clearly label and depict the required 26,750 square feet of common area, with dimensions and square footages, such that it meets all the requirements of Section 17.20.050.

Vehicle storage space is not required, and none is being provided.

Staff notes that Sheet A001 shows the labeling skipping Building D going from C to E. The use of each building is not identified either. For ease of reviewing the structural permit plans, Sheet A001 shall be revised to correct the labeling scheme and to identify the use of each building.

The submitted site plan shows that construction of the development will span all three tax lots comprising the site, with parking, common areas, and a trail interspersed throughout. The three tax lots need to be combined so that all required portions of the development are contained on one tax lot and not split between the three tax lots. This can be accomplished through a property line adjustment lot consolidation, a replat, or a restrictive lot line covenant. A condition of approval shall be requiring completion of a property line

adjustment lot consolidation, replat, or restrictive lot line covenant prior to submitting any building permit applications.

- i. *Common area must be designed for passive or active recreational use and may include usable floor area in the development's recreation building or club house. Common area must be located outside of required setbacks and required parking areas. The common area requirement is allowed to count toward the minimum landscape percentage requirement in Chapter 17.55 LCMC.*

**Finding:** The submitted materials do not clearly demarcate or label the proposed common areas, so it is unclear if portions of the common areas are located inside or outside of the required side and rear setback areas or parking areas. The submitted site plan shows an expanse of landscaped area, with no explanation given to indicate if the common areas are designed for passive or active recreational use. This requirement is not met, but it can be with a condition of approval that revised plans be provided with the structural permit applications that clearly demarcate and label the location, dimensions, and square footages of the common areas, along with an identification of passive or active recreational common area, and outside of the required side and rear setback or parking areas.

- ii. *Common area must be available, accessible, and free for use by occupants and their guests without leaving the development.*

**Finding:** The submitted site plan shows that all common areas are contained on the site; accordingly, they are available and accessible for use by tenants and their guests without leaving the development. The application does not give any indication that there will be a charge for use of the common areas. This requirement is met, with a condition of approval that all common areas must remain free of charge for residents and their guests.

- iii. *Common area must be connected to primary building entrances by an ADA-accessible walkway that is at least five feet wide. The square footage area of ADA-accessible walkways can count towards the minimum common area square footage requirement if they provide at least one connection to each other, connection to other common areas, or connection to public right-of-way or the parking area for the development.*

**Finding:** The submitted materials don't provide any indication that the common areas are connected to primary building entrances by an ADA-accessible walkway that is at least five feet wide. This requirement is not met, but it can be with a condition of approval that revised plans be provided with the structural permit applications that clearly demarcate and label the location and width, with the width labeled, of the required ADA-accessible walkways connecting the required common areas to primary building entrances.

- iv. *All required common areas must include at least one amenity for users including seating, trash/recycling bins, dog waste stations, or play equipment – all of which must coordinate with and complement the development. If a common area has direct connection to an ADA-accessible walkway, then that connection and ADA-accessible walkway can count as the amenity for that particular common area. Common areas provided over and above the minimum requirement do not need to provide any amenities.*

**Finding:** The submitted materials don't provide any indication that any amenities are being provided. This requirement is not met, but it can be with a condition of approval that revised plans be provided with the structural permit applications showing the locations and types of required amenities, with each provided amenity labeled.

*17.20.060 Landscaping**Landscaping shall be provided in accordance with Chapter 17.55 LCMC.***Finding:** Compliance with landscaping standards is addressed later in this report under Chapter 17.55.*17.20.070 Signs**Signs shall be allowed in accordance with Chapters 9.34 and 17.72 LCMC.***Finding:** The application does not include any requests for signs.*17.20.080 Supplementary regulations and exceptions**Supplementary regulations and exceptions shall be adhered to in accordance with Chapter 17.52 LCMC.***Finding:** The project's compliance with supplementary regulations and exceptions is addressed later in this report under Chapter 17.52.*17.20.090 Off-street parking and loading***Finding:** Compliance with off-street parking and loading requirements is addressed later in this report under Chapter 17.56.*17.20.110 Restrictions**No development shall occur in the R-M zone unless all city services (sewer and water) are available to serve such development.***Finding:** Preliminary civil engineering plans have been included with the submitted plan set showing provisions for city sewer and city water to serve the site. Public Works has reviewed the preliminary plans and provided conditions of approval. This requirement will be met with installation of the proposed utilities.*Chapter 17.52 Supplementary Regulations and Exceptions**17.52.060 Clear-vision area requirement*

- A. *Requirement to Provide Clear Vision. For public safety purposes, all properties shall have triangular clear-vision areas (aka clear-vision triangles) where streets (public or private) intersect with other streets, commercial alleys and commercial driveways. Clear-vision triangles shall be also be provided for street intersections with commercial driveways as provided herein. Clear-vision areas at local intersections shall meet the requirements in this section, which are meant to be adequate to allow drivers and pedestrians who are stopped or approaching with caution to see intersecting traffic in time to avoid collisions. Clear-vision areas at intersections with Highway 101 must meet with Oregon Department of Transportation approval and comply with the requirements of this section.*

**Finding:** The project does not propose streets intersecting with other streets, commercial alleys, or commercial driveways. The project does not have any street intersections with commercial driveways, because the project does not have any commercial driveways. The project is a residential project, not a commercial project. However, the project does have an intersection with Hwy 101 and therefore, must meet Oregon Department of Transportation (ODOT) approval. The submitted plan set does not show any clear-vision triangles. In an email on May 5, 2022, ODOT provided the following: "Per Table 4-3 of the ODOT Highway Design Manual clear zone for this section of highway is 16-18 for fill slopes of 1V:4H or flatter. So yes the 16.5' Clear zone meets standards. I would recommend maintaining a 1V:4H slope to the edge of Clear zone then you could steepen the slope to 1V:3H."

Revised plans shall be submitted with the structural permit applications clearly depicting and labeling the clear-vision triangles as required by ODOT and showing that these areas are free from obstructions.

*17.52.120 Utilities*

- B. In all zones, all electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be placed underground in accordance with city standards.*

**Finding:** The project proposes new construction, so all electrical, telephone, and cable television utility service installations or connections made as part of the new construction. The submitted civil engineering plans show that proposed utilities will be underground. This shall be reviewed for compliance as part of the building permit application and construction process. This requirement is met for purposes of development review.

*17.52.150 Exterior lighting.*

*Artificial exterior lighting shall not be designed to shine or create glares in any residential zone or residential use, adjacent dwelling unit or in a public right-of-way.*

- A. Light poles must not exceed a height of 20 feet.*
- B. All lighting must be shielded to avoid glare, light pollution (night sky), and light spillover onto residential properties. Shielding must be integral to the light fixture and direct light downward.*
- C. Luminance at the property line, or no more than five feet over the property line, must be zero.*
- D. Maximum initial luminance of outdoor sales displays, outdoor storage areas, service station canopies, and similar areas must not exceed 20 foot-candles.*
- E. Maximum initial luminance of parking lots must not exceed four foot-candles.*
- F. Up-lighting is prohibited. The maximum illumination limits for wall washing are one foot-candle for dark colored surfaces and one-half foot-candle for light colored surfaces.*
- G. Pedestrian ways and building entrances not otherwise illuminated by building-mounted lights or streetlights must provide between one and two foot-candles of light from bollards, step lights, or other low-profile fixtures that are appropriate for walkways and plazas.*
- H. The manufacturer's data or measurement must demonstrate conformance with this section. Cut sheets, a photometric plan analysis, and an exterior lighting plan showing the locations, types, sizes, and heights of all exterior lighting fixtures shall be included with the applicable application submittal.*

**Finding:** The submitted materials do not provide any exterior lighting information. The submitted development review application deferred submitting the exterior lighting plan until the building permitting process. As a condition of approval, an exterior lighting plan showing compliance with LCMC 17.52.150 shall be submitted with the structural permit applications and shall include a photometric analysis and cut sheets of the proposed exterior lighting fixtures.

*17.52.170 Solid waste, garbage, trash, recycling, and composting receptacle storage areas.*

*All solid waste, garbage, trash, recycling, and composting receptacles shall be located within a building or within an enclosure that is at least 20 feet or more from any pedestrian space which screens the receptacle from the view of neighboring property, pedestrian space, or from right-of-way, except those receptacles associated with a detached single-unit dwelling, attached single-unit dwelling, duplex, or manufactured dwelling.*

**Finding:** The submitted plan set shows the location of the solid waste, garbage, trash, recycling, and composting receptacle storage areas. However, the required screening method is not show on the plan set. The required narrative detailing compliance with 17.52.170 was not included in the submittal package either. As a condition of approval, a narrative shall be included with the structural permit applications that details compliance with 17.52.170, along with accompanying plans that illustrate such compliance.

#### *17.52.180 Placement and screening of mechanical equipment*

- A. *Any heating, air conditioning, or other mechanical equipment installed on or near a building to be used to serve the building or a function performed therein, and any propane tanks, shall be screened from the ground level view from adjacent properties, pedestrian spaces, and from public right-of-way, and shall not be located within 20 feet of pedestrian space.*
- B. *Rooftop mechanical units shall not be visible from any public right-of-way and shall not exceed the allowable building height.*
- C. *Ground-mounted mechanical units shall be limited to the sides or rears of buildings and screened from view from adjacent properties and from public right-of-way.*
- D. *Standpipes, meters, vaults, and similar equipment shall not be placed on a front elevation when other alternative locations exist.*

**Finding:** The submitted materials do not provide any indication on the types or locations of mechanical units and equipment, nor do they provide any information on screening proposed for rooftop or ground-mounted units, if any. As a condition of approval, the structural permit application package shall include a narrative explaining the types and location of all mechanical units and equipment, along with a revised plan set showing the locations and types of all required screenings, and a statement that no standpipes, meters, vaults, and similar equipment shall be placed on any front elevation.

#### *17.52.220 Tree protection and removal*

**Finding:** Sheets L0.01 and L0.02 comprise the tree protection plan. The legend has a symbol for trees being removed, as well as a symbol for tree protection fencing. However, these items are not present on the plan itself. The required narrative addressing compliance with code requirements was not submitted, so it is unclear to staff what trees are remaining, what trees are being removed, where tree protection fencing is being placed, and what types mitigation are taking place for the trees being removed. As a condition of approval, a detailed narrative addressing 17.52.220 shall be submitted with the structural permit applications and shall include a revised tree protection plan that clearly depicts and states the number of existing trees, the number proposed for removal and their locations, the number proposed to remain and their locations, the locations and type of tree protection for those trees to remain, and the mitigation proposed.

#### *17.52.230 Public infrastructure improvements*

**Finding:** Preliminary public infrastructure improvement plans were submitted as part of the development review application package. Public Works reviewed the submitted plans and provided conditions of approval that are included in the decision.

#### *17.52.300 Traffic impact study (TIS) requirements*

*A TIS shall accompany a land use application at the request of the city engineer, if the proposal involves one or more of the following:*

**Finding:** The project does not trigger the requirements for a TIS, nor did the city engineer request a TIS for this project.

### *Chapter 17.55 Landscaping*

*17.55.040 Landscaping requirements for all development other than detached single-unit dwellings, attached single-unit dwellings, manufactured dwellings, and duplexes.*

- A. *Landscaping is required on all portions of the site not covered by buildings, structures, or impervious surfaces.*



**Finding:** Sheets L3.01 and L3.02 of the submitted plan set represent the preliminary landscape plan. The sheets show all portions of the site that are not covered by buildings, structures, asphalt, or concrete as being landscaped. Landscaping includes existing trees as well as proposed trees, evergreen shrubs, deciduous shrubs, grasses and ferns, and ground covers and perennials. This requirement is met if developed according to the submitted plan set.

- B. Fifteen percent of the total gross area of the site shall be landscaped with live vegetation according to the standards contained within this chapter. Existing plants and trees that are healthy and noninvasive count towards the 15 percent live vegetation requirement, provided they will be protected during development adequately enough to ensure future preservation.*

**Finding:** It is stated on Sheet L3.01 that the total site area is 192,703.7 square feet, with a total landscaped area of 30,879 square feet. This equals 16% of 192,703.7 square feet, which exceeds the minimum required. Staff notes that the stated 4.38 acres equates to 190,792.8 square feet. 15% of 190,792.8 equals 28,618.92. Total landscaping of 30,879 exceeds that figure as well. Staff notes that clarification of the site's square footage and acreage so that they are consistent with each other and on all plan sheets is strongly recommended. This requirement is met if developed according to the submitted plan set.

- 1. At a minimum, the site shall contain three distinct and separate landscape area, containing an overall total of the following spaced and/or grouped according to best planting practices and aesthetics:*
- a. One tree per 20 feet of total lot perimeter; and*
  - b. One shrub per 10 feet of total lot perimeter; and*
  - c. Living ground cover.*

**Finding:** Total lot perimeter is approximately 2,044 feet. This yields a requirement of 103 trees and 205 shrubs. The submitted Sheets L3.01 and L3.02 show the locations of 43 proposed trees and 490 proposed shrubs. Sod lawn will cover 1,080 square feet and seeded lawn will cover 6,414 square feet of the site. Other living ground cover proposed includes 1,862 kinnickinnicks, 820 wild strawberries, 12 day lily plants, 70 blue pacific shore junipers, 15 western sword ferns, 52 white meidiland roses, and 41 early bird gold black-eyed susans. There are separate and distinct landscape areas around each building and throughout the parking areas. Sheets L0.01 and L0.02 comprise the tree protection plan, but it is unclear which of the trees shown are remaining and which are being removed. Without knowing how many of the existing trees are remaining, staff is unable to determine if the tree requirement of 103 trees is met. As a condition of approval, revised plans shall be submitted with the structural permit application package showing compliance with the tree requirements of Chapter 17.55.

- 2. If islands are required in parking areas, each island must contain at least one tree, sized appropriately for the area of the island. The remainder of the island must be covered with shrubs and/or living or nonliving ground cover, subject to the standards set out in subsection (C) of this section and LCMC 17.55.050. Islands count towards both the parking landscaping requirement and the 15-percent landscaping requirement.*

**Finding:** Islands are required in parking lots containing more than 20 parking spaces. Sheet A001 of the submitted plan set shows that the project will contain 126 parking spaces; therefore, islands are required. Sheets L3.01 and L3.02 show that the required islands contain a tree with the remainder covered with shrubs and ground cover. This requirement is met if developed according to the submitted plan set.

*C. Ground Cover and Mulch*

- 1. Ground cover used as mulch between plantings shall be placed at a minimum two- to three-inch-thick layer to ensure effective erosion control and to avoid leaching of excessive nutrients.*

2. *Acceptable mulch materials are straw, well-aged compost and leaves, wood mulch or bark dust, or wood nuggets that are a minimum diameter of one inch. Mulching with manure that has not been composted or aged is prohibited.*
3. *Nonliving ground cover materials such as noncompacted pea gravel, river rock, pumice, stones, boulders, bark dust, and cedar chips are acceptable ground cover.*
4. *Standards for living ground cover are those set out in LCMC 17.55.050.*

**Finding:** The proposed types of living ground cover are listed on Sheets L3.01 and L3.02 of the submitted plan set. Note 8 on Sheet L3.02 states that plantings shall be mulched to a minimum depth of 4 inches and cover beyond the width of the planting hole. This requirement is met if developed according to the submitted plan set.

*17.55.050 Selection, preparation, and installation for all landscaping*

*A. Selection of Materials*

1. *Invasive and noxious plants as defined in LCMC 8.12.010 or by the Oregon Department of Agriculture are prohibited.*

**Finding:** The submitted preliminary landscape plan does not show the planting of any invasive and noxious plants. This requirement is met if developed according to the submitted plan set.

2. *Hydro-seeding is prohibited.*

**Finding:** The submitted landscaping plan does not show any hydro seeding. This requirement is met if developed according to the submitted plan set.

3. *All selections must be health at the time of planting.*

**Finding:** Notes, 2, 3, and 4 on Sheet L3.02 of the submitted plan set indicate all plant materials shall be of high grade, healthy, and vigorous. This requirement is met if developed according to the submitted plan set.

4. *Sizes of Plantings.*
  - a. *Deciduous trees must be a minimum of one and one-half caliper inches at the time of planting.*
  - b. *Conifer trees must be a minimum of five feet in height at the time of planting.*

**Finding:** Sheet L3.01 of the submitted plan set shows the sizes of the trees at the time of planting as meeting or exceeding the minimum requirement.

- c. *Ground cover plants must be at least four-inch pot size.*

**Finding:** Sheet L3.01 of the submitted plan set shows the sizes of ground cover plants at the time of planting as meeting or exceeding the minimum requirement.

- d. *Shrubs must be at least three-gallon size at the time of planting, unless three-gallon sizes are not available for purchase at the time of planting for the particular shrub selected. In those instances, one- or two-gallon size is allowed.*

**Finding:** Sheet L3.01 of the submitted plan set shows the sizes of shrubs at the time of planting as 2-gallon, 5-gallon, or 7-8' tall. Provided the shrubs shown as 2-gallon are not available in 3-gallon buckets at the time of planting this requirement is met.

- e. *Plantings at their mature height shall not be higher than five feet if they would block the view of any shoreline of the Pacific Ocean, Siletz Bay or Devils Lake.*

**Finding:** This requirement is not applicant since the site does not have a view of any shoreline.

- f. *All plantings must be one, or a combination of, the following: native to the Pacific Northwest; selected from the City of Lincoln City Guide to Landscape Selections; or suitable for the site conditions as certified by a written and signed statement from a landscape architect licensed in the state or Oregon or a landscape nursery person.*

**Finding:** Sheet L3.01 shows that the plants have been selected by a certified landscape architect or from the city's guide. This requirement is met.

#### *17.55.060 Irrigation and maintenance*

- A. *Irrigation. The intent is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. Irrigation systems shall be provided for all planted areas for a period of at least two years, or until it is demonstrated that new plants have become naturalized.*

**Finding:** The project proposes a sprinkler irrigation system as shown on Sheets L2.01 through L2.03 of the submitted plan set. This requirement is met if developed per the submitted plan set.

#### *17.55.070 Clear-vision requirements.*

*Landscaping shall be in conformance with the clear-vision area requirements set out in LCMC 17.52.060.*

**Finding:** Sheet L3.01 of the submitted plan set depicts the proposed landscaping at the entrance of the site from Hwy 101. Clear-vision triangles are not depicted, so it is unclear if this requirement is met. As a condition of approval, a revised Sheet L3.01 shall be submitted with the building permit application depicting any required clear-vision triangles and depicting them free of obstruction as required in LCMC 17.52.060.

#### *17.55.080 Living landscaping as screening*

- A. *When screening is required, the applicant may choose to use vegetation as the screening method. If so, the following standards must be met:*
  1. *Screening shall be in the form of a hedge.*
  2. *The hedge shall consist of evergreen shrubs and shall be native to the Pacific Northwest and suitable for the site conditions as certified by a nursery person or a landscape architect licensed in the state of Oregon or selected from the City of Lincoln City Guide to Landscape Selections.*
  3. *Selected shrubs must have a mature height of at least six feet.*
  4. *Shrubs must be of sufficient size and number to provide solid sight obstruction, at a minimum of six feet in height, at the time of planting.*

**Finding:** Staff is unable to find any evidence of living landscaping proposed as screening, so this requirement is not applicable. Should living landscaping be utilized as a screening method, all requirements of LCMC 17.55.080 shall apply.

#### *Chapter 17.56 Off-street Parking and Loading Regulations*

##### *17.56.030 Number of off-street parking spaces required*

- A. *The number of off-street parking spaces required shall be as set forth in Table 17.56.030-1.*

**Finding:** The project proposes construction of a 107-unit apartment complex. Sheet A001 lists a parking breakdown by building. However, Building D is noted in that list and there isn't a Building D on the plan, and Sheet A001 shows Building A and Building B twice without any indication in the list of both buildings. Accordingly, staff is unable to determine if the parking requirement is met. This can be addressed with a conditional of approval to show compliance with the parking requirements as part of the structural permit application submittal.

*B. Exceptions to the Number of Off-Street Parking Spaces Required. One or more exceptions may apply to a development.*

*1. There are no off-street parking requirements for commercial uses, commercial buildings, or the commercial portion of mixed use buildings located within the boundaries of any of the pearls (Wecoma, Oceanlake, DeLake, Taft, Nelscott, Cutler City), said boundaries as identified on the city's adopted zoning map.*

**Finding:** This requirement is not applicable to this project since it is not located in Wecoma, Oceanlake, DeLake, Taft, Nelscott, or Cutler City.

*2. The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement for every five bicycle parking spaces provided over and above the standard requirement for bicycle parking spaces.*

**Finding:** The project is requesting a 20% reduction in the required number of off-street parking spaces by providing additional bicycle parking spaces. Sheet A001 lists a parking breakdown by building. However, Building D is noted in that list and there isn't a Building D on the plan, nor are the uses of each building identified. Accordingly, staff is unable to determine if the parking requirement is met. This can be addressed with a conditional of approval to show compliance with the parking requirements as part of the structural permit application submittal.

*3. The number of off-street parking spaces may be reduced by 10 percent of the off-street parking requirement by preserving at least two mature and healthy trees. To receive this credit, a licensed Oregon arborist must certify the trees to be preserved are health, and the grading plan must show enough protection and lack of disturbance around the roots (again, as certified by a licensed Oregon arborist) that the trees will be protected and preserved throughout construction and thereafter.*

**Finding:** The project is requesting a 10% reduction in the required number of off-street parking spaces by preserving at least two mature and healthy trees. The plan set gives no indication which two mature and healthy trees are being preserved to justify this reduction. Sheet A001 lists a parking breakdown by building. However, Building D is noted in that list and there isn't a Building D on the plan, nor are the uses of the buildings indicated. Accordingly, staff is unable to determine if the parking requirement is met. This can be addressed with a conditional of approval to show compliance with the parking requirements as part of the structural permit application submittal.

#### *17.56.040 Number of off-street loading spaces required*

*A. Every building hereafter erected or established, for a use other than residential, having a gross floor area of 10,000 square feet or more shall provide and maintain at least one off-street loading space plus one additional off-street loading space for each additional 20,000 square feet of gross floor area.*

*B. Each loading space shall be not less than 10 feet wide by 25 feet in length and 14 feet in height.*

**Finding:** The proposed project is residential in use, so this requirement is not applicable.

*17.56.050 Joint use of off-street parking and loading spaces*

- A. *Off-street parking and loading requirements may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures, sites, or developments that their operations and parking needs do not overlap in point of time.*
- B. *If the uses, structures, sites, or developments are under separate ownership, the right to joint use of off-street parking or loading spaces must be evidenced by a deed, lease, contract, or other appropriate written document establishing the terms of the joint use, and submitted to the department.*

**Finding:** The project has not requested use of joint off-street parking spaces.

*17.56.060 More than one use in a building or on a development*

**Finding:** This requirement is not applicable to this project. The only use proposed is residential.

*17.56.080 Development standards for off-street parking and loading areas for all uses other than detached single-unit dwellings, attached single-unit dwellings, and duplexes*

A. *Location*

- 1. *Off-street parking and loading shall be located on the same lot or parcel as the use or on a separate lot or parcel not farther than 1,000 feet from the building or use they are intended to serve, measured in a straight line from nearest property corner to nearest property corner.*
- 2. *Area in a public right-of-way or an alley shall not be used as fulfilling any part of the off-street parking or loading requirements.*

**Finding:** The submitted materials show that the proposed off-street parking is located on the same lot as the use. This requirement is met.

- 3. *Off-street parking and loading spaces shall be located above, beneath, to the rear, or to the side of buildings.*

**Finding:** The submitted materials show that all the off-street parking spaces are to the rear or the north side of Building A. Building A is the front building that fronts Hwy 101 (the west boundary), which is the front property line. The project contains numerous buildings that vary with off-street parking space placement. However, the bulk of the spaces are between buildings, and as stated previously, all spaces are behind or to the north side of Building A, which is the front building. The intent of this requirement is to prevent the location of off-street parking spaces along the street with the building behind the parking. That intent is met with the proposed layout, and staff concludes that the requirement is met.

- 4. *Parking and loading spaces must be outside of required building setback areas.*

**Finding:** There are no off-street parking spaces shown in the required rear or side setbacks. This requirement is met if developed as shown on the submitted plan set.

- 5. *Parking and loading spaces must be at least 10 feet from public right-of-way, and the space between the public right-of-way and the parking and loading spaces must be landscaped according to the standards in Chapter 17.55 LCMC.*

**Finding:** The submitted materials show that the off-street parking spaces are well over 10 feet from Hwy 101 and NE 25<sup>th</sup> St. The space between Hwy 101 and off-street parking in the northwest corner of the site will be landscaped, and the space along the Hwy 101 frontage will be landscaped along with the placement of Building A. The area in the southwest corner that is adjacent to NE 25<sup>th</sup> St is shown as being landscaped. This requirement is met if developed as shown on the submitted plan set.

6. *In no case shall any parking area or parking or loading space be located between the front of the building and the front property line.*

**Finding:** The front property line is the west property line. Building A is the front building, and there are no parking areas between Building A and the west (front) property line.

7. *Parking and loading spaces must be located such that there are no backing movements or other maneuvering within public right-of-way. Backing movements or other maneuvering within alleys or private streets is allowed, however.*

**Finding:** The submitted plans show that there are no backing movements or other maneuvering taking place within public right-of-way.

**B. Surfacing**

1. *Parking spaces, parking areas, and driveways shall have permanent, dust-free surfaces and shall be constructed to support use by solid waste vehicles and firefighting apparatus.*
2. *Surfaces shall consist of one or more of the following materials:*
  - a. *Concrete or asphalt;*
  - b. *Block pavers of concrete, stone, brick, or similar material. This surface is considered impervious unless, through consultation with the city engineer, the spacing and installation are determined to be sufficient to count as an allowable pervious surface;*
  - c. *Pervious concrete or asphalt; or*
  - d. *Other materials, as approved by the city engineer.*

**Finding:** Sheets C200 and C201 show asphalt pavement as the proposed surface for the parking spaces, parking areas, and driveways.

- C. Redevelopment.** *Site design shall incorporate the conversion of existing parking areas located in front of buildings to pedestrian spaces as properties redevelop.*

**Finding:** The site is undeveloped, and the proposed project is residential. This requirement is not applicable.

**D. Installation and Maintenance.**

1. *Materials shall be installed and maintained adequately for all-weather use, including proper drainage so as to avoid flow of water across sidewalks and any property line.*

**Finding:** A preliminary grading and erosion control plan was included as part of the preliminary plan set.

2. *All pervious surfaces shall be designed, installed, and maintained to ensure proper storm water infiltration.*

**Finding:** It does not appear from the submitted materials that any pervious surfaces are proposed for parking areas.

- E. Maximum Impervious Surface.** *All parking spaces, parking areas, and loading spaces in excess of the minimum required amount shall be surfaced with pervious materials as approved by the city engineer.*

**Finding:** As discussed earlier in this staff report, not enough information has been provided for staff to determine if the project will exceed the minimum required amount of parking. Sheet A001 states that 105 parking spaces are required after the exceptions and 126 are being provided. If this is the case, then 21 off-street parking spaces will need to be surfaced with a pervious material as approved by the city engineer. This

can be addressed through the structural permitting process with a condition of approval to this development review.

*F. Curbing and Wheel Stops*

1. *Parking spaces shall be contained by a curb or wheel stop so placed to prevent a vehicle from extending into an adjacent property, public right-of-way, private street, sidewalk, or landscaping area.*

**Finding:** Sheet A001 shows the required wheel stops.

2. *Curbing shall be a minimum of four inches in height and width.*

**Finding:** Curbing is not being provided.

3. *Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear.*

**Finding:** The height, width, and length of the proposed wheel stops is not indicated in the submitted materials. This can be addressed through the structural permitting process with a condition of approval to this development review.

4. *Parking spaces having curbing or wheel stops may be reduced in length by two feet, allowing for overhang of the vehicle parked in that space, provided the curbing or wheel stops are placed two feet back from the front of the parking space.*

**Finding:** It does not appear from the submitted materials that the length of the parking spaces is being reduced.

*G. Marking. All off-street parking and loading spaces shall be permanently and clearly marked, and such marking shall be replaced regularly, so as to remain clearly visible at all times.*

**Finding:** The submitted materials show the required markings for the off-street parking spaces. This shall be reviewed for continued compliance as part of the structural permitting and construction processes.

*H. Landscaping*

1. *In all instances except the following when occurring on individual lots and except in the R-1-5, R-1-7.5, R-1-10, R-1-RE, and VR zones, parking areas shall include landscaping to cover not less than 10 percent of the area devoted to parking spaces and areas, which area is computed as a part of the required landscaping of the total gross area pursuant to Chapter 17.55 LCMC.*

**Finding:** The submitted materials do not provide the square footage of the parking areas or the square footages of the landscaped areas in the parking areas. This can be addressed during the structural permitting process with a condition of approval to this development review.

2. *Surface parking lots must have perimeter buffer strip landscaping of not less than four feet in depth (see Figure 17.56.080-1) landscaped in accordance with Chapter 17.55 LCMC.*

**Finding:** The submitted plans show the required perimeter buffer strip of landscaping.

3. *Screening. Any off-street parking area providing five or more parking spaces shall be screened from view by a screening hedge or a six-foot-tall, sight-obscuring fence on each*

*side that adjoins property situated in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, R-R, or NCR zones or the premises of any school. Screening hedges are subject to the provisions of Chapter 17.55 LCMC.*

**Finding:** Approximately 100 feet to the east beginning from the southwest property corner, from that point along the south boundary line continuing east for 381 feet, the area to the south of that 381-foot distance is in the R-M zone. The northernmost north property line also adjoins property situated in the R-M zone. The buildings screen the area to the north, but it doesn't appear that any screening is being provided along the south. This can be addressed during the structural permitting process with a condition of approval to this development review.

*J. Lighting of Parking Areas*

- 1. If provided, light poles in parking areas shall not exceed a height of 20 feet.*
- 2. Any provided lighting in parking areas shall be shielded or provided with cut-offs to avoid glare, light pollution (night sky) and light spillover onto residentially used properties.*
- 3. Maximum initial luminance of lighting provided in parking areas shall not exceed four foot-candles, with zero foot-candles at property lines.*

**Finding:** The submitted narrative states that the applicant is deferring submittal of the exterior lighting plan to the structural permit application submittal.

*K. Accessible Parking. Parking areas shall meet all applicable accessible parking requirements of federal, state, and local codes.*

**Finding:** The submitted plans show ADA-accessible parking spaces.

*L. Parking Area Layout and Dimensions*

- 1. A minimum of 50 percent of the required number of parking spaces must be designed as standard sized spaces with a minimum space width of nine feet and length of 20 feet.*

**Finding:** Sheet A001 states that 126 parking spaces are being provided. Of those 126 spaces, 68 are shown as standard sized spaces. This requirement is met.

- 2. No more than 50 percent of the required number of parking spaces may be designed as compact sized spaces with a minimum space width of eight feet and length of 16 feet.*

**Finding:** Sheet A001 states that 126 parking spaces are being provided. Of those 126 spaces, 58 are shown as compact sized spaces. This requirement is met with the shown number of provided parking spaces.

- 3. A clear pedestrian circulation route from parking stalls to the primary building entrance, or a pedestrian area immediately adjacent to the primary building entrance, must be provided.*

**Finding:** Sheet A001 shows the required pedestrian circulation. This requirement is met.

- 4. Parking areas shall be designed as follows:*

**Finding:** Sheet A001 shows that the two-way drive aisles as being the required 20 feet wide. This requirement is met.



*M. Parking Rows*

1. *Surface parking lots containing more than 20 parking spaces must have rows of not more than 12 continuous parking spaces and shall include one planting island between every 12 parking stalls.*

**Finding:** The submitted materials show a surface parking lot containing more than 20 parking spaces. Accordingly, there shall be no more than 12 continuous parking spaces without one planting island between every 12 parking stalls. Sheet A001 shows no more than 12 parking stalls without a planting island between them. This requirement is met.

2. *The perimeter of parking lots or the outer parking aisles must contain at least a four-foot-wide landscaping/drainage swale or landscape buffer (see Figure 17.56.080-1) landscaped pursuant to the provisions of Chapter 17.55 LCMC. The perimeter landscaping buffer counts towards the interior parking lot landscaping requirement of subsection (H)(1) of this section.*

**Finding:** Sheet A001 shows the required perimeter landscape buffer. This requirement is met.

- N. *RV, Motorhome, and Bus Parking. Developments with 50 or more required off-street parking spaces shall provide the following minimum number of off-street parking spaces sized and designated for the parking of RVs, motorhomes, and buses:*

**Finding:** The project requires more than 50 off-street parking spaces. The submitted plan set does not show the required RV, motorhome, and bus parking. This requirement can be met with a condition of approval to show compliance with Chapter 17.56 as part of the structural permitting process.

- O. *Structured Parking. Where structured parking is provided in a stand-alone structure that...*

**Finding:** A review of the submitted plans shows that the project is not providing any structured parking.

*17.56.090 Bicycle parking*

- A. *Number of Bicycle Parking Spaces Required. One bicycle parking space, as defined in subsection (D) of this section, is required for every 20 vehicle parking spaces required in LCMC 17.56.030.*

**Finding:** As discussed previously in this report, the required number of vehicle parking spaces cannot be accurately determined without correct labeling of the use of each building. Sheet A001 states that 126 parking spaces are required, which would equate to 7 bicycle spaces and 20 are being provided. If 126 is the required number of parking spaces, then the bicycle parking space is exceeded by 13 spaces.

- B. *Access. An unobstructed walkway of at least five feet in width shall connect each bicycle parking area to the primary entrance or the pedestrian area in front of the primary entrance.*

**Finding:** Sheet A001 shows the location of the bicycle parking area, along with the pedestrian circulation route from the area to each building. This requirement is met.

- C. *Location. All bicycle parking areas shall be within a well-lighted area within 100 feet of, or clearly visible from the primary building entrance or public right-of-way. Where necessary, a sign shall direct users to the bicycle parking area.*

**Finding:** Sheet A001 shows the location of the bicycle parking area within 100 feet of several of the building's entrances. This requirement is met.

*D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.*

**Finding:** The submitted materials do not provide the dimensions of the bicycle parking area. However, this requirement can be addressed through the structural permitting process.

*E. Security. Bicycle parking facilities shall be either a lockable enclosure for storing bicycles or a stationary object (i.e., a rack) to which bicyclists can lock their bicycles.*

**Finding:** The submitted materials do not indicate the type of bicycle parking facility being provided. However, this requirement can be addressed through the structural permitting process.

#### *Chapter 17.74 Design Standards*

##### *17.74.130 Building design*

*A. Intent.*

*B. Building Stepback.*

- 1. Upper Floor Stepback. The upper elevations of building facades facing a public right-of-way or pedestrian space must step back above 25 feet or above the second story, whichever is the lesser height (Figure 17.74.130-1). The following options are acceptable to meet this standard:
 
  - a. The top floor must step back at least 10 feet; or*
  - b. Progressive setbacks of several upper floors must total at least 10 feet.**

**Finding:** The majority of the project's buildings do not have facades that face public right-of-way, so this requirement's applicability is limited to only two of the proposed buildings. The west façade of Building A faces Hwy 101. The northern portion of the west façade of Building B faces Hwy 101. The south façade of Building A faces NE 25<sup>th</sup> St. The applicant requests an adjustment to this requirement and states the following:

“Due to the stacking nature of the residential use, density needs for increased unit counts, and cost efficiency of construction, a 10' stepback at the upper floor of the buildings, is not feasible for this project. To Provide articulation, the top floor at Building A as it faces Hwy 101 is stepped back 18". In addition, the building is set back from the sidewalk 13' 6", allowing for trees and plantings to provide texture and visual interest.

The South Façade of Building A along 25<sup>th</sup> is not stepped back, however, given the rise in grade along 25<sup>th</sup>, the east end of the building façade will read as a 2-story building.

An adjustment to the Stepback Requirement is requested due to the difficulties caused by this requirement.

1. As this is an affordable housing development, overall efficiency of construction is critical so that the project is financially feasible. A key to this efficiency is the creation of repetitive unit plans that stack to allow for simple framing solutions and plumbing routes. A 10' step at the top floor requires adjustments to the plans that would be impractical due to additional cost required to more complicated construction.
2. A 10' stepback would also negatively affect the unit sizes and potentially the overall number of units on the site. The sloped nature of the site has required great care in the location of the buildings, parking areas, and pedestrian system. Incorporating a stepback in Buildings A and B would require a greater footprint at the ground plan which would then impact uses at the ground.

The Applicant believes the buildings as designed meet the City's intent due to the high quality of the overall development. The façade design of all buildings was given great care to meet the City's intent

for articulation through the use of covered walkways, columned promenades, porches with metal railing systems, and variations of siding. All these elements help to enhance the pedestrian experience, whether along the ROW or throughout other areas of the site, in turn meeting the City's intent to enhance and protect the quality of life both for the residents and the community at large."

Staff notes that the guiding principles of the design standards include the following:

*Allow for flexibility to accommodate a wide variety of site conditions, while maintaining basic standards and common themes.*

*Enhance the street front by providing visual interest through site design and building articulation.*

The applicant proposes an affordable-housing project on a steeply-sloped site with varying degrees of grade. In lieu of providing the full stepback requirement, the applicant is providing alternatives to meet the intent of visual interest along the street. This is being done in the form of a smaller stepback, a larger setback from the sidewalk with enhanced trees and plantings in between the sidewalk and the building, and a design that makes one of the buildings appear as though it's a two-story building with the rise in grade. To further provide visual interest, the project is providing three different exterior color options that will be varied throughout the site. Staff concludes that the intent of the stepback requirement is met, and approves the adjustment request.

- C. *Building Form. All buildings must incorporate elements to preclude blank building elevations facing a public right-of-way or pedestrian space. Along the façade of the structure, such features must occur at a minimum of every 30 lineal feet, with each floor containing at least two of the following features:*
1. *Roof line offset of at least two feet from the top surface of one roof to the top surface of the other;*
  2. *An offset on the building face of at least eight inches from one exterior wall to the other;*
  3. *A section of the facade, at least four feet in width, that is either recessed or bumped out by at least one foot deep from the front wall plane;*
  4. *A recessed building entry at least two feet deep, as measured horizontally from the face of the main building facade, and at least four feet wide;*
  5. *A balcony at least four feet deep and eight feet wide, that is accessible from at least one interior room;*
  6. *A covered porch at least two feet deep (measured horizontally from the face of the main facade) and at least four feet wide;*
  7. *Recess with a minimum depth of four feet; or*
  8. *Extension projecting a minimum of two feet and running horizontally a minimum of four feet.*

**Finding:** The majority of the project's buildings do not have facades that face public right-of-way, so this requirement's applicability is limited to only two of the proposed buildings. The west façade of Building A faces Hwy 101, and the northernmost portion of the west façade of Building B faces Hwy 101. The south façade of Building A faces NE 25<sup>th</sup> St.

For Building A, the west elevation is highly articulated with varying roof lines, a plane change between the ground floor and the second floor, and smaller roof projections over balconettes at the second floor and over living space windows on the ground floor. A mix of lap and board and batten siding provides additional interest. At the ground floor, unit entries have patios surrounded by a low concrete wall, set away from the building face three feet.

The south façade continues the roof line offset shown on the front façade. The gable ends are articulated with decorative gable brackets. The second and third floor units feature balconettes like those on the front façade. Both facades include a variety of openings with a combination of doors and windows providing for a nice rhythm that completes a composition that is clean but not monotonous. Due to grade changes, the south end of this façade of the northernmost Building A will read as two floor levels from the street.

The required features included in the west façade of Building A are a roof line offset of at least two feet from the top surface of one roof to the top surface of the other; a section of the façade, at least four feet in width, that is either recessed or bumped out by at least one foot deep from the front wall plane (accomplished with the individual roof overhangs on the first and second floors); and extensions projecting a minimum of two feet and running horizontally a minimum of four feet (accomplished with the individual roof overhangs on the first and second floors).

The feature provided for the south façade of Building A is a roof line offset of at least two feet from the top surface of one roof to the top surface of the other. An adjustment to the building form standard is requested for the south elevation. The applicant states:

“As this is an affordable housing development, overall efficiency of construction is critical so that the project is financially feasible. Variation of roof forms, recesses and extensions to the wall plan [sic], and the addition of balconies all contribute to construction complexity and cost and are impractical for greater use on the project. Since the West Elevation of Building A serves as the Front of the entire development and is the most prominent, the building was designed to focus efforts and expenditures for these elements on this elevation. Additionally, the South Side Elevation is not only much shorter in length but is visually impacted by a rise in elevation along NE 25<sup>th</sup> St, making it just over 25’ at its east end.

The Applicant believes the buildings as designed meet the City’s intent due to the high quality of the overall development. The façade design of all buildings was given great care to meet the City’s intent for articulation through the use of covered walkways, columned promenades, porches with metal railing systems, and variations of siding. All these elements help to enhance the pedestrian experience, whether along the ROW or throughout other areas of the site, in turn meeting the City’s intent to enhance and protect the quality of life both for the residents and the community at large.”

Staff notes that the guiding principles of the design standards include the following:

*Allow for flexibility to accommodate a wide variety of site conditions, while maintaining basic standards and common themes.*

*Enhance the street front by providing visual interest through site design and building articulation.*

The applicant proposes an affordable-housing project on a steeply-sloped site with varying degrees of grade. In lieu of providing the full building form requirement for the south façade of Building A, the applicant is providing alternatives to meet the intent of visual interest along the street. This is being done in the form of covered walkways, columned promenades, porches with metal railing systems, and variations of siding. Staff concludes that intent of the building form requirement is met, and approves the adjustment request for the south façade of Building A.

Building B will contain the following features to meet the building form requirement: roof line offset of at least two feet from the top surface of one roof to the top surface of the other (accomplished with covered walkways at both the ground and second floor), and a covered porch at least two feet deep (measured horizontally from the face of the main façade) and at least four feet wide (accomplished with covered walkways that serve the individual unit entries at both the ground and second floor). The building form requirement is met for Building B.

#### *D. Roof Form.*

- 1. Sloped roofs are required for buildings with a front façade width less than 50 feet.*

**Finding:** All the proposed buildings have a front façade width greater than 50 feet. Accordingly, this standard is not applicable to the project.

2. *Sloped roofs are the preferred roof form for buildings with a front façade width 50 feet or greater. Flat roofs should be avoided.*

**Finding:** The submitted materials depict sloped roofs for the buildings, with the exception that a very small portion of the roof of Building B where it covers the laundry room is flat. This criterion is a guideline, not a standard which means that it is encouraged but not required. Since all the proposed roofs are sloped, excepting the small portion of Building B over the laundry room, staff considers that the applicant has met the intent of the guideline.

3. *Sloped roofs must have a pitch between 6:12 and 12:12. Mono-pitch (shed) roofs must have a pitch of at least 4:12.*

**Finding:** The submitted elevations show roof pitches between 6:12 and 12:12. A few secondary roofs are mono-pitched (shed roofs), and these include walkway covers, accent roofs, and canopy elements. The applicant states that “these add both weather protection and character to the project. They are minor or decorative in nature and not serving as primary roofs.” Staff concludes this requirement is met.

4. *In instances where sloped roofs are not practicable and a flat roof is the only option, the flat roof must have projecting cornices to create a prominent edge when viewed against the sky. Cornices must be made of a different material and color than the predominate siding of the building, except that brick siding may include matching brick cornices.*

**Finding:** The applicant states the following:

“Other than some moderately sloped canopies intentionally placed throughout the buildings, Building B is the only building that includes a flat roof. As stated above, this is on a 1-story minor appendage that houses a common laundry room and includes a metal cornice of a differing color than the siding to create a prominent edge.”

The required cornice is being provided to the flat portion of the roof on Building B, so this requirement is met.

5. *Dual-pitched or hipped “mansard” and A-frame roof forms are not permitted.*

**Finding:** The project is not proposing any dual-pitched, hipped mansard, or A-frames. This requirement is met.

#### *E. Building Entrances.*

1. *Porches. Usable porches and stoops are recommended to form a predominant motif of the building design and should be located on the front and/or side of the building to respond to the climatic conditions and the character of nearby residential uses.*

**Finding:** The site has extreme slopes that vary throughout, which creates challenges in siting the buildings. As the applicant states, this creates a situation where most of the buildings have entrances on multiple sides. Accordingly, the project is providing a variety of building entry treatments, including individual and shared covered porches as well as entries from shared walkways and colonnades. Staff notes that this is a guideline, not a standard, which means it’s encouraged but not required. The intent of the guideline is met in the proposed entrances.

2. *Primary Entrances. Buildings must have clearly defined primary entrances that provide a weather protection shelter for a depth of not less than five feet extending from the building entry.*

**Finding:** The applicant states the following: “Due to the nature of the development, the Community Building (Building I) is the only building that has a primary entrance. The entry is protected with a canopy structure that extends off the front of the building providing a depth of 12’ 0”. The rest of the buildings are all residential with individual entries for each unit. These entries are well marked through canopies and porches as well as entry doors painted with a complimentary accent color so they are highly visible.” In staff’s opinion, the number of units precludes the use of one primary entrance for each building. It’s more practicable and efficient for the residents to have several entrances provided, so that the entrance is closer to the dwelling unit. The project is providing individual and shared covered porches, canopies, and entry doors painted with an accent color. Staff feels this requirement is met.

3. *Accessibility. Each building must have at least one ADA-compliant entrance connecting required parking to the building.*

**Finding:** It is unclear from the submitted materials which entrance of each building is the ADA-compliant entrance, although the applicant states that every building is connected to a parking area with at least one ADA entry. As a condition of approval, revised plans shall be submitted that clearly label and identify the required ADA-compliant entrance for each building.

#### *F. Building Windows.*

1. *Facades Facing a Public Right-of-Way. At least 15 percent of the area of each façade that faces a public right-of-way must have, and maintain, clear and transparent windows or main entrance doors. Windows or doors contributing to this standard must allow views from inside the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. Only transparency in doors at the main entrance and facing the street property line counts toward this standard.*

**Finding:** The majority of the project’s buildings do not have facades that face public right-of-way, so this requirement’s applicability is limited to only two of the proposed buildings. The west façade of Building A faces Hwy 101. The northernmost portion of the west façade of Building B faces Hwy 101. The south façade of Building A faces NE 25<sup>th</sup> St. The submitted materials show that Building A’s west and south facades contain 15% of transparent glass. The submitted materials also show that the northernmost portion of Building B’s west façade contains 15% of transparent glass. This requirement is met.

2. *Garage Windows. Garages with a side or rear wall that faces the street must have a window on the street-facing wall that is a minimum of six square feet in area.*

**Finding:** The project is not proposing any garages.

#### *G. Building Materials. Exterior walls of all buildings and structures, including accessory, must be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, or architectural-grade synthetic materials. Natural materials or natural stain or unfinished wood is the preferred primary cladding.*

**Finding:** The submitted materials show fiber cement lap siding, fiber cement board and batten siding, and architectural asphalt shingle roofing. This requirement is met.

- H. Building Colors. Façade colors must be low reflectance and be muted earth tones or neutral colors. Variations in color schemes and building material must be provided to articulate entryways so as to draw attention to these features.*

**Finding:** The submitted materials show that the following color combinations are proposed: 1) arctic white for main exterior and trim, with iron gray accent and ballard for the doors; 2) evening blue and boothbay blue for main exterior, with arctic white for trim and accent and daffodil for the doors; and 3) mountain sage and arctic white for main exterior, with arctic white for trim and accent and magnolia for the doors. The three color schemes vary, the doors are articulated with a different paint color, and the colors are earth tones. This requirement is met.

- I. Garage Requirements. Garage and carport design and construction must use the same architectural features and exterior materials and colors as the primary building.*

**Finding:** The project is not providing any garages or carports.

*Chapter 17.76 Procedures  
17.76.040 Type II procedure*

- A. General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.*
- D. Application Requirements. Type II applications shall:*
- 1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
  - 2. Be accompanied by the required fee as adopted by city council resolution.*
  - 3. Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

**Finding:** The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110.D and E.

- E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.*
- 1. After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
    - a. The applicant and applicant's representative;*
    - b. The owners of record of the subject property;*
    - c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
    - d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

**Finding:** The Planning and Community Development Department mailed the public notice of receipt of a complete application to the parties noted in LCMC 17.76.040.E.1.a through d.

2. *The written public notice shall include the following:*
  - a. *A brief description of the request;*
  - b. *The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
  - c. *The street address or other easily understood geographical reference to the subject property;*
  - d. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
  - e. *The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
  - f. *Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.*
3. *An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.*
4. *Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

**Finding:** The written public notice of receipt of a complete application that was mailed on March 8, 2022, contained all the information required in LCMC 17.76.040.E.2 and 4. The required affidavit of mailing was prepared, pursuant to LCMC 17.76.040.E.3.

*F. Review Authority. The review authority for Type II applications shall be the director.*

**Finding:** The Director reviewed the submitted Type II application.

*G. Decision.*

1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

**Finding:** The relevant approval criteria are addressed in detail throughout this staff report. Consideration of the written comment received is given at the beginning of this report.

2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
  - a. *The applicant and applicant's representative;*
  - b. *The owners of record of the subject property;*
  - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
  - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

**Finding:** Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040.G.2.

3. *The notice of the decision shall include the following:*
  - a. *A brief description of the request;*



- b. *A statement of the decision and the applicable approval criteria used in making the decision;*
- c. *The street address or other easily understood geographical reference to the subject property;*
- d. *A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*
- e. *The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
- f. *A statement that the complete file is available for review; and*
- g. *The name of a department staff member to contact and the telephone number where additional information may be obtained.*

**Finding:** The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in subsection 17.76.040.G.3.a through g.

#### *Chapter 17.77 Applications*

##### *17.77.070 Development review*

- A. *The purpose of development review is to establish a coordinated process to ensure that new development is in compliance with the requirements of this title prior to the submittal of structural permit applications, or in instances where structural permit application are not necessary prior to the commencement of any development. The development review application shall demonstrate that the proposed development will comply with all of the applicable requirements of this title, and that...*
- B. *Applicability. Except as exempted in subsection (C) of this section, development review approval is required before any structural permit is issued authorizing development and before any outdoor storage area or parking lot development commences in the R-M, PC, RC, GC, PI, M-W, P, OS, TVC, NP, and OP zones, and before any nonresidential structural permit is issued authorizing development and before any nonresidential outdoor storage area or parking lot development commences in any other zone zone.*
- C. *Exemptions. The activities, development and construction projects listed below are exempt from development review:*
- D. *Procedure. Development review applications are subject to the Type II procedure as described in...*
- E. *Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

**Finding:** The required documents were submitted by the property owner.

- F. *Concurrent Applications for Adjustments. Requests for adjustments to standards required in Chapter 17.74 LCMC shall be processed concurrently with the development review application.*

**Finding:** The applicant's requests for adjustments were stated in the development review application.

- G. *Approval Criteria. To approve an application for development review, the review authority must find that the development, as described in the submitted application, either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to conditions that shall ensure compliance with all of the requirements of this title.*

**Finding:** Based on an analysis of the submitted application and accompanying materials against the requirements of this title and as detailed throughout this staff report, the project as submitted either complies with all of the requirements of this title or will comply with all of the requirements of this title subject to the conditions of approval that ensure compliance with all requirements of this title.

*H. Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a development review application to ensure compliance with the requirements of this title.*

**Finding:** Conditions of approval have been imposed to ensure compliance with the requirements of this title.

### **DECISION AND CONDITIONS**

Based upon an analysis of the submitted application and accompanying materials against the requirements of this title, the Director concludes that the project either complies or can comply with all of the requirements of this title subject to conditions of approval, and thus **APPROVES WITH CONDITIONS** the development review request for a 107-multi-unit residential development, subject to the following conditions:

#### **General**

1. This approval notwithstanding, the applicant/property owner/developer shall be responsible for knowledge of and full compliance with all applicable city, state, and federal codes, rules, regulations, codes, rules, standards, and policies.
2. Structural permits shall not be issued until compliance with applicable codes, rules, regulations, standards, and policies is shown in the submitted plans that accompanying the structural permit applications.

#### **Planning**

1. A restrictive lot line covenant must be recorded to consider the site as one tax lot prior to submitting any structural permit applications for the project.
2. Sheet A001 shall be revised to correct/confirm the labeling scheme, show and identify all proposed buildings, and to identify the use of each building.
3. Elevations shall be submitted for the front, rear, left, and right elevation of every proposed building, with a label of the use of that building, showing the approved grade line and the distance in the center of each elevation from the grade line to the highest point of the roof such that the buildings are within the maximum allowed height.
4. Sheet A001 shall be revised to correctly label the minimum side setback requirement and show the side setback line for both the north and south interior side property lines.
5. Plans shall be revised to clearly label and depict the required 26,750 square feet of common area, with dimensions and square footages, such that it is very clear and readily apparent that all the requirements of Section 17.20.050 are being met.
6. Revised plans shall be provided with the structural permit applications that clearly demarcate and label the location, dimensions, and square footages of the common areas, along with an identification of passive or active recreational common area, and outside of the required side and rear setback or parking areas.
7. A note shall be added to Sheet A001 that all common areas shall remain free of charge for the use of residents and their guests.
8. Revised plans shall be provided with the structural permit applications that clearly demarcate and label the location and width, with the width labeled, of the required ADA-accessible walkways connecting the required common areas to primary building entrances.
9. Revised plans shall be provided with the structural permit applications showing the locations and types of required common area amenities, with each provided amenity labeled.
10. Revised plans shall be submitted with the structural permit applications clearly depicting and labeling the clear-vision triangles as required by ODOT and showing that these areas are free from obstructions.
11. Revised plans shall be submitted that show a consistent site acreage and commensurate square footage throughout all plan sheets, with the percentages for landscaping areas, parking landscaping areas, maximum building coverage, and maximum impervious surfaces coverage based on the same consistent and commensurate square footage.

12. Revised plans shall be submitted that include a note stating that all electrical, telephone, and cable television utility service installations made as part of new construction of a building or structure shall be placed underground in accordance with city standards.
13. An exterior lighting plan, along with exterior light fixture cut sheets and a photometric plan analysis, shall be submitted as part of the structural permit application package and shall clearly show and explain compliance with Section 17.52.150.
14. A narrative shall be included with the structural permit applications that details compliance with Section 17.52.170, along with accompanying plans that illustrate such compliance.
15. The structural permit application package shall include a narrative explaining the types and locations of all mechanical units and equipment, along with a revised plan set showing the locations and types of all required screenings, and a statement that no standpipes, meters, vaults, and similar equipment shall be placed on any front elevation. If no mechanical equipment screening is required, a note stating as much shall be included on the revised plan set with an explanation of why no mechanical equipment screening is required.
16. A detailed narrative addressing Section 17.52.220 shall be submitted with the structural permit applications and shall include a revised tree protection plan that clearly depicts and states the number of existing trees, the number proposed for removal and their locations, the number proposed to remain and their locations, the locations and type of tree protection for those trees to remain, and the mitigation proposed.
17. Revised landscaping plans shall be submitted that clearly state the site's total square footage (that is consistent with the stated square footage on all plan sheets) and shows the dimensions, square footages, and percentages of all landscaping areas such that the required 15% of landscaped area is easily discernible.
18. Revised landscaping plans shall be submitted that detail how the tree requirement of 103 trees is being met.
19. Revised landscaping plans shall be submitted with a note stating that living landscaping is not being used as a screening method OR if living landscaping is being used as a screening method, notes indicating the locations, types, and heights of such screening.
20. Revised plans shall be submitted with a clear explanation of the required number of off-street parking spaces and the number being provided, along with a clear indication of the type and location of the required pervious surface for those off-street parking spaces that exceed the number required.
21. Revised plans shall be submitted clearly stating and showing the typical height, width, and length of the wheel stops to show compliance with Chapter 17.56.
22. Revised plans shall be submitted that clearly depict the square footages of the parking areas and the square footage of the landscaped areas in the parking areas to clearly show that 10% of the parking area is landscaped.
23. Revised plans shall be submitted that clearly depict the location, type, and height of off-street parking area screening that is required on each side of the site that adjoins property situated in the R-M zone.
24. Revised plans shall be submitted that show the type and dimensions of the bicycle parking facilities in compliance with Section 17.56.090.
25. Revised plans shall be submitted that clearly label and identify the required ADA-compliant entrance for each building.
26. The submittal package for the structural permit applications shall include:
  - a. Revised plans showing compliance with Chapter 17.20
  - b. Revised plans showing compliance with Chapter 17.52
  - c. Revised plans showing compliance with Chapter 17.55
  - d. Revised plans showing compliance with Chapter 17.56
  - e. Bullet-point listing of how compliance is being met, including identification of the sheet number(s) of the plan set that shows the particular requirement, for Chapters 17.20, 17.52, 17.55, and 17.56.

**Fire**

1. The project shall meet the current Oregon Fire Code requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the structural permitting process, and structural permits shall not be issued until compliance with the current Oregon Fire Code requirements is shown in the submitted plans.

**Public Works****Engineering Plans:**

1. The applicant shall submit digital copies of engineering plans for all public improvements and site development to Lincoln City Public Works (LCPW) for review and approval either as submitted or as modified in accordance with requirements of the City Engineer. The plans must clearly delineate existing and proposed conditions on a single sheet. The City Engineer's review and any required modifications shall be for the purpose of assuring that the improvements shall be consistent with Lincoln City Public Works Design Standards (LCPWDS) and the provisions of this condition of approval.
2. All public infrastructure construction, including sanitary sewer connections, water main extension, new domestic and fire water service construction, and roadway construction shall be designed and stamped by a Licensed Professional Engineer.
3. A Combined Public Works Permit shall be submitted with the structural permit application package. All planned right-of-way work shall be noted on the approved plans and performed as shown. Prior to issuance of the structural permit, no site work, construction activity, demolition, clearing, grubbing, or excavating shall occur. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed.
4. The applicant shall be responsible for obtaining and adhering to required Oregon Department of Transportation (ODOT) permits and associated state agency design/permit requirements, and required inspections.
5. All public utility, roadway, and stormwater management improvements shall be completed in accordance with the approved site plan, LCPWDS, and the project's Conditions of Approval within 18 months of the structural permit issue date. Per Lincoln City Municipal Code (LCMC), final approval of the structural permit from LCPW shall not be given until all improvements have been completed in accordance with the approved plans and applicable standards.
6. **Within 30 days after construction**, field verified, stamped as-builts for all public improvements, including relevant survey data, shall be provided to LCPW in DWG and PDF format. All discovered utilities and changes to the approved plans shall be noted with callouts indicating location, depth, and material. **The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.**

**Erosion Control Plans:**

1. The submitted plans shall include erosion control plans in accordance with LMC Chapter 12.08 for review and approval by the City Engineer. Approved soil erosion control measures must be in place and inspected by LCPW prior to any construction activities. Erosion control plans must be prepared by a Registered Professional Engineer, Landscape Architect, Engineering Geologist, or Certified Professional in Erosion Sediment and Control.
2. If disturbing one or more acres of land during construction activity, the applicant is responsible for application, acquisition, and compliance with Oregon Department of Environmental Quality 1200-C Stormwater permit.

**Street Improvements:**

1. Sidewalk, curb and gutter, and necessary pavement repair shall be completed along all street frontages, in compliance with LCMC Section 17.52.230, Lincoln City's Transportation System Plan, and LCPWDS. All planned right-of-way work shall be noted on the approved plan set and performed as shown.

Hwy 101 roadway design shall additionally incorporate minimum design criteria requirements put in place by ODOT (including curb, sidewalk, bike lane, curb ramp and ADA-compliant terminations). Hwy 101 roadway design should incorporate recommendations put forward by ODOT.

2. The clear vision triangle, 50'Lx10'W visibility at highway access, shall be maintained in site plan layout in accordance with LCMC Section 17.52.060
3. All roadway materials and construction shall adhere to LCPWDS. Submittals and testing for standards compliance shall be submitted to LCPW as requested.

Storm Water:

1. Stormwater detention and treatment shall be provided in accordance with LCPWDS and LCMC. Water quality shall be provided for *pollutant generating surfaces*. Stormwater detention shall be addressed for all new impervious area.
2. A stormwater report, demonstrating proposed drainage facilities compliance with LCPWDS shall be submitted with the structural permit application. Detention requirements shall be achievable through detention facilities and/or a downstream analysis demonstrating no downstream impacts within the submitted report.

Water and Sewer Utilities:

1. The applicant is responsible for determining the required fire and domestic service size and ensuring adequate flow and pressure within the property.
2. The applicant shall be responsible for conducting any flow tests required to establish pressure and flow information and shall provide LCPW 48 hours advance notice of any flow testing to be performed.
3. All sanitary sewer and water construction shall adhere to LCPWDS.
4. Any water connections larger than 1" in size shall be completed by the applicant as shown on the approved plan set. A water line design, stamped by a registered professional civil engineer, shall be submitted for review of the proposed public water extension on NE Quay. Construction plans shall demonstrate construction of the water line in compliance with LCPWDS and applicable engineering standards. Plans shall additionally demonstrate development of adequate maintenance access for Lincoln City water distribution access to the constructed water line and appurtenances. This access shall be, at a minimum, a 20-foot wide, level, all-weather surface access, with 13 feet of vertical clearance.

Right-of-Way and/or Easement Dedication:

1. A Public Access/Stormwater/Utility easement shall be dedicated for the sidewalk/storm/sewer/water on private property. The easement shall be noted on the approved plans and a recorded easement submitted to LCPW prior to LCPW's final inspection. A design for location and development of the proposed pedestrian connection across city property and/or right-of-way shall be submitted for approval prior to path construction, planning, and/or preparation. This shall include all proposed aspects necessary for LCPW review including: proposed location, existing/proposed conditions, tree removal/preservation, a path cross-section, proposed path surfacing, and necessary ADA accommodations.



Approved by: \_\_\_\_\_  
**Anne Marie Skinner, Director**

May 9, 2022  
**Date**